

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1176

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 12-1361, Arizona Revised Statutes, is amended to
3 read:

4 12-1361. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Association" means either of the following:

7 (a) The unit owners' association organized under section 33-1241.

8 (b) A nonprofit corporation or unincorporated association of owners
9 created pursuant to a declaration to own and operate portions of a planned
10 community and which has the power under the declaration to assess association
11 members to pay the costs and expenses incurred in the performance of the
12 association's obligations under the declaration.

13 2. "Community documents" means the declaration, bylaws, articles of
14 incorporation, if any, and rules, if any.

15 3. "Dwelling" means a single or multifamily unit designed for
16 residential use and common areas and improvements that are owned or
17 maintained by an association or by members of an association. A dwelling
18 includes the systems, other components and improvements that are part of a
19 single or multifamily unit at the time of construction.

20 4. "Dwelling action" means any action brought by a purchaser against
21 the seller of a dwelling arising out of or related to the design,
22 construction, condition or sale of the dwelling.

23 5. "Multiunit dwelling action" means a dwelling action brought by an
24 association or by or on behalf of the owners of five or more individual
25 dwelling units.

26 6. "Purchaser" means any person or entity who files a dwelling action.

27 7. "Seller" means any person, firm, partnership, corporation,
28 association or other organization that is engaged in the business of
29 designing, constructing or selling dwellings, ~~including a person, firm,~~

1 ~~partnership, corporation, association or organization licensed pursuant to~~
2 ~~title 32, chapter 20~~ FROM THE DATE OF SUBSTANTIAL COMPLETION AS PRESCRIBED IN
3 SECTION 12-552.”
4 Amend title to conform

BARBARA LEFF

2/18/08
9:25 AM
S: LB/ac